

LAW OFFICES OF PETER G. ANGELOS, P.C.

Firm I.D. #99975

James T. Fitzgerald, Esquire

PA S. Ct. I.D. No. 43178

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PA S. Ct. I.D. No. 65774

The Wanamaker Building

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Philadelphia, PA 19107

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PURSUANT TO Pa.R.C.P. 206(b)

MAY 23 2002

First Judicial District of Pa.
User I.D.: RRD

Donald W. Nees, Sr. and Evelyn*

R Nees, his wife *

v. *

AC&S, Inc., et al *

IN THE COURT OF COMMON

PLEAS OF PHILADELPHIA

COUNTY, PENNSYLVANIA

CIVIL ACTION LAW

ASBESTOS LITIGATION

OCTOBER TERM, 2000

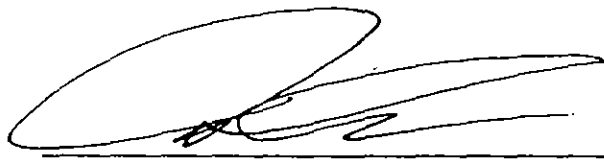
No. 3559

ORDER

AND NOW, this 21st day of May, 2002, it is

hereby ORDERED AND DECREED that Plaintiffs are granted leave to file, within twenty (20) days, a short form amended complaint, in accordance with the Master Pleadings, to add Defendants American Standard, Inc., Abex Coporation, Atlantic Richfield Company, Borg Warner Corporation, B.F. Goodrich Company, Brand Insulations, Inc., Chevron, U.S.A., Inc. d/b/a Chevron Products Company, Cleaver Brooks, Inc., Daimler Chrysler Corporation f/k/a Chrysler Motors Corporation f/k/a Chrysler Corporation, Ford Motor Company, General Electric, General Motors Corporation, H.B. Smith Company, Inc., Honeywell International f/k/a Allied Signal Inc.

successor to Bendix Corporation, Viacom, Inc. successor by merger to CBS Corporation f/k/a Westinghouse Electric, Weil McLain, A Division of the Marley Company, a wholly owned subsidiary of United Dominion Industries, Inc. and to add a premises liability count to include defendants, Atlantic Richfield Company and Chevron U.S.A., Inc. d/b/a Chevron Products Company.



ACCERTON J.

LAW OFFICES OF PETER G. ANGELOS, P.C.
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100 Penn Square East
Suite 1050, Tenth Floor
Philadelphia, Pennsylvania 19107
(215) 963-9333

Donald W. Nees, Sr. and Evelyn R.
Nees, his wife
319 New Brooklyn Road
Berlin, NJ 08009

Plaintiffs,

V.

AC&S, Inc., et al.,
Defendants

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

PHILADELPHIA BAR ASSOCIATION
LAWYER REFERRAL AND INFORMATION SERVICE
One Reading Center
Philadelphia, PA 19107 Telephone:
(215) 238-1701

: IN THE COURT OF COMMON
: PLEAS OF PHILADELPHIA
: COUNTY, PENNSYLVANIA
:
: OCTOBER TERM, 2000
: NO. 3559
: AMENDED COMPLAINT
: PERSONAL INJURY
: CIVIL ACTION -
: Defendants
: ASBESTOS - 2090
: JURY TRIAL DEMANDED

AVISO

LE HAN DEMANDADO A USTED EN LA CORTE. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta ascantar una comparencia escrita o en persona o con un abogado y entregar a la corte en form excrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademias, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO IMMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL. ASOCIACION DE LICENCIADOS DE FILADELFIA

One Reading Center
Philadelphia, PA 19107
Telefono: (215) 238-1701

PRESENTED FOR REVIEW
02 JUN -6 PM 2:30
PRO PROTHY

LAW OFFICES OF PETER G. ANGELOS, P.C.

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Suite 1050, Tenth Floor

Philadelphia, Pennsylvania 19107

(215) 963-9333

Donald W. Nees, Sr. and Evelyn R.

Nees, his wife

319 New Brooklyn Road

Berlin, NJ 08009

Plaintiffs

VS.

A C & S, Inc. 001

120 N. Lime Street

Lancaster, Pennsylvania 17602

and

ABEX CORPORATION 046

Corporation Service Company

2704 Commerce Drive Suite B

Harrisburg, PA 17110

and

* IN THE COURT OF
* COMMON PLEAS OF
* PHILADELPHIA COUNTY
*
* PENNSYLVANIA
*
* OCTOBER TERM, 2000
* No. 3559
* AMENDED COMPLAINT -
* PERSONAL INJURY
*
* CIVIL ACTION -
* ASBESTOS - 2090
*
* JURY TRIAL DEMANDED
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AMCHEM PRODUCTS, INC. 229
c/o C.T. Coporation System
1515 Market Street
Philadelphia, PA 19109

and

AMERICAN STANDARD, INC. 2251
c/o C.T. Coporation System
1515 Market Street
Philadelphia, PA 19109

and

ATLANTIC RICHFIELD COMPANY 2323
c./o CT Corporation Systems
1515 Market Street
Philadelphia, PA 19103

and

BORG WARNER CORPORATION I55
c/o CT Corporation System
1515 Market Street
Philadelphia, PA 19103

and

BRAND INSULATIONS, INC. 057
c/o CT Corporation System
1515 Market Street
Philadelphia, PA 19103

and

B.F. GOODRICH COMPANY 2419
c/o CT Corporation System
1515 Market Street
Philadelphia, PA 19103

CHEVRON U.S.A., INC. d/b/a
 CHEVRON PRODUCTS COMPANY 8046
 Corporation Service Center
 2704 Commerce Drive
 Suite B
 Harrisburg, PA 17110

and

CLAYTON DUBILIER & RICE 2692
 c/o The Corporation Trust Company
 1209 Orange Street
 Wilmington, DE 19801

and

DAIMLER CHRYSLER CORPORATION, f/k/a*
 CHRYSLER MOTORS CORPORATION, f/k/a*
 CHRYSLER CORPORATION 433
 12000 Chrysler Drive
 Detroit, MI 48288-0001

and

CLEAVER-BROOKS, INC. 155
 A Division of Aqua-Chem, Inc.
 c/o C.T. Coporation System
 1515 Market Street
 Philadelphia, PA 19109

and

FORD MOTOR COMPANY 105
 c/o Sidney Kelly
 The American Road
 Dearborn, MI 48121

and

FOSTER-WHEELER CORPORATION 131
 Worldwide Headquarters

Perryville Corporate Park *
P.O. Box 4000 *
Clinton, NJ 08809-4000 *
and *

GENERAL MOTORS CORPORATION 3225 *
c/o CT Corporation Trust *
1515 Market Street *
Philadelphia, PA 19103 *

and *

GENERAL ELECTRIC 164 *
3515 Easton Turnpike *
Fairfield, CT 06432 *

and *

H.B. SMITH COMPANY, INC. 157 *
47 Westfield Industrial Park Road *
Westfield, MA 01085 *

and *

HONEYWELL INTERNATIONAL INC. f/k/a *
ALLIED SIGNAL, INC. successor to *
Bendix Corporation 280 *
c/o CT Corporation System *
1515 Market Street *
Philadelphia, PA 19103 *

and *

PFIZER, INC. 102 *
235 East 42nd Street *
New York, New York 10017 *

and *

and

RAPID AMERICAN CORPORATION 4095
Corporation Service Company
2704 Commerce Drive Suite B
Harrisburg, PA 17110

and

UNIROYAL, INC 043
(Individually and as successor-in-
interest to the United States
Rubber Company, Inc.)
c/o CDU Holding Inc. Liquidating
Trust
70 Great Hill Road
Naugatuck, CT 06770

and

VIACOM, INC. succesor by merger to
CBS CORPORATION f/k/a WESTINGHOUSE
ELECTRIC I4934
c/o Asbestos Litigation Support Mgr.*
Eckert Seamans Cherin & Mellott, LLC*
Case Management and Technology Ctr.*
Gulf Tower, 5th Floor
707 Grant Street
Pittsburgh, PA 15219

and

WEIL MCLAIN, A DIVISION OF THE
MARLEY COMPANY, A WHOLLY OWNED
SUBSIDIARY OF UNITED DOMINION
INDUSTRIES, INC. 163
c/o C.T. Coporation System
1515 Market Street
Philadelphia, PA 19109

AMENDED SHORT FORM COMPLAINT

AND NOW come, Donald W. Nees, Sr. and Evelyn R. Nees, by and through his attorneys, Edward P. Monaghan, James T. Fitzgerald, Marla A. Macey, and the Law Offices of Peter G. Angelos, and file this Complaint and in support thereof aver the following:

1. Plaintiffs incorporate by reference Plaintiffs' Master Long Form Complaint in Re: Asbestos Litigation in Philadelphia Court of Common Pleas, filed as of October Term 1986, No. 8610-0001 as though set forth in its complete text. Pursuant to an Order dated July 30, 1986 and signed by the Honorable Richard B. Klein and the Honorable Edward J. Blake the following short form complaint is utilized in this asbestos action.
2. Plaintiffs would also name as defendants the Johns-Manville Corporation, the Johns Manville Sales Corporation, UNARCO, Amatex Corporation, Forty Eight Insulators Incorporated, Wallace and Gale Company, Nicolet Industries, Pacor, Inc., Raymark Industries Inc., Raymark Corporation and Raytech, DI Distributors Inc. f/k/a Delaware Insulation Company, Inc., Carey Canada, Celotex Corporation, Eagle Picher Industries, Inc., Keene Corporation, Rock Wool Manufacturing Co., H.K. Porter Company, Inc., Armstrong World Industries, Inc., GAF Corporation, Owens Corning, Fibreboard Corporation, U.S. Mineral Products, United States

Gypsum, W.R. Grace Co.-Conn. and T&N Plc.,; however, each of these potential defendants has filed for relief or been forced into involuntary bankruptcy under Chapter 11 of the Bankruptcy Code and, pursuant to 11 U.S.C. Section 362, the institution of actions against these companies is stayed. Plaintiffs would have brought suit against the companies enumerated in this paragraph but for the automatic stay.

3. Defendant, Rapid-American Corporation, is a corporation duly organized and existing under the laws of the State of Delaware with its registered agent being in c/o Prentice Hall Corp. System, 319 Market Street, Harrisburg, PA 17101.

4. Defendant, Rapid-American Corporation, is liable to the plaintiffs for all damages caused or substantially caused by asbestos containing products of Philip Carey Manufacturing Corporation and or Philip Carey Manufacturing Company.

5. Rapid-American Corporation and/or its predecessors merged with, and explicitly and impliedly assumed the liabilities of, Glen Alden Corporation after Glen Alden Corporation had merged with, and explicitly and impliedly assumed the liabilities of, Philip Carey Manufacturing Corporation.

6. Glen Alden Corporation also formed a subsidiary, Philip Carey Manufacturing Company, which continued to conduct the asbestos

business.

7. The corporate relationship between Rapid-American Corporation and Glen Alden Corporation, and Glen Alden's merger and subsequent formation of a separate asbestos company, as well as Rapid-American's express and implied assumption of all liabilities at every stage of every merger involving a predecessor corporation and Philip Carey Manufacturing Company and Philip Carey Manufacturing Corporation are the basis of Rapid-American Corporation's liability in this matter.

8. At all times material hereto, Philip Carey Manufacturing Company and Philip Carey Manufacturing Corporation mined, manufactured, produced, distributed and sold asbestos products which were used within the Commonwealth of Pennsylvania, including, but not limited to: Hightemp Pipecovering and Block, 85% Magnesia Pipecovering and Block, Air Cell Covering, Fibrous Adhesive Bonding, Careytemp Bonding, 7-m-90 Asbestos Shorts, Insulation Cement, Vitracel Cement (Refractory Finishing), LF 20 Asbestos Cement (long fiber), No. 100 Asbestos Cement (hard finish), No. 303 Asbestos Cement, Asbestos Cement, MW-50 Cement, No. 707 Insulating Cement, Thermotex-B Mastic and asbestos shingles, roofing products and asbestos paper.

9. Defendant, Uniroyal Inc., formerly known as United States

Rubber Co., is a corporation duly organized and existing under the laws of the State of New Jersey with its corporate headquarters located at 70 Great Hill Road, Naugatuck, CT 06770.

10. At all times material hereto, Uniroyal, Inc., formerly known as United States Rubber Co., manufactured, produced, distributed and sold asbestos containing products which were used within the Commonwealth of Pennsylvania, including but not limited to:

Asbeston yarns, tapes and fabrics. The fabrics were woven into a variety of products not limited to, asbestos containing safety clothing, insulation jacketing and fire blankets.

11. At the direction and control of Clayton & Dubilier, Inc., CDU Acquisition Inc. acquired all outstanding shares of Defendant Uniroyal, Inc.'s common stock in 1985. At that time, CDU Acquisition, Inc. was wholly-owned by Clayton & Dubilier, Inc. Clayton & Dubilier, Inc. changed its corporate name to Clayton Dubilier & Rice, Inc. in or around 1993. Clayton Dubilier & Rice, Inc. is the successor in interest to Clayton and Dubilier, Inc. Clayton & Dubilier, Inc. had acquired Uniroyal, Inc., upon information and belief, for the purpose of dismantling its corporate structure and selling off its assets at a profit inuring to Clayton & Dubilier, Inc. Clayton & Dubilier, Inc. expressly and impliedly assumed the liabilities of Uniroyal, Inc.

upon the purchase of all shares of common stock of Uniroyal, Inc. Clayton & Dubilier, Inc. and Clayton Dubilier & Rice, Inc. as successor in interest have not otherwise provided for the satisfaction of contingent liabilities of Uniroyal, Inc. from the funds it derived upon the sale of Uniroyal, Inc.'s assets.

Defendant, Uniroyal, Inc., was liquidated in 1986.

12. Defendant, Clayton Dubilier & Rice, Inc., is a corporation duly organized and existing under the laws of the State of Delaware with its registered agent being in c/o The Corporation Trust Company 1209 Orange Street, Wilmington, DE 19801.

13. Defendant, Honeywell International Inc. f/ka/ Allied Signal, Inc., successor to Bendix Corporation, sued in its corporate capacity, and as a successor in interest to inter alia, Allied Corp. and Allied Signal, Inc. Defendant Allied Signal, Inc. is a Delaware based corporation with its principle place of business located at Columbia Road and Park Avenue, Morristown, NJ 07962.

At all times material hereto, it or its predecessor(s) in interest manufactured and/or sold, among other products, asbestos containing brake shoes, linings, blocks and pads and other asbestos-containing brake related automotive products.

14. Defendant ABEX CORPORATION is a Delaware based corporation located at 485 Frontage Road Burr Bridge, Illinois 60521. At all

times material hereto it or its predecessor(s) in interest manufactured and/or sold, inter alia, among other products, asbestos containing brake shoes, linings, blocks and pads and other asbestos containing brake related automotive products.

15. Defendant B.F. Goodrich Company, sued in its corporate capacity, and as a successor in interest to inter alia, Goodrich B.F. Company and B.F. Goodrich with its registered office at c/o CT Corporation System, 1515 Market Street, Philadelphia, PA 19103 Defendant, B.F. Goodrich Company manufactured and/or sold, among other products, automotive brake products.

16. Defendant, Borg Warner Corporation, is a corporation duly organized and existing under the laws of the State of Michigan with a principle place of business at 615 Griswold, Detroit Michigan with its registered agent at 1515 Market Street, Philadelphia, PA 19109. At all times material hereto, defendant Borg Warner Coporation, manufactured, produced and/or sold asbestos products, either directly or indirectly to the employers of the plaintiffs and/or its predecessors, asbestos products including, but not limited to, asbestos brake shoes, asbestos brake linings and other asbestos friction products.

17. Defendant Daimler Chrysler Corporation, f/k/a Chrysler Motors Corporation, f/k/a Chrysler Corporation is a Michigan

based corporation with its main office located at 12000 Chrysler Drive, Detroit, Michigan 48282. At all times material hereto it or its predecessor(s) in interest manufactured and/or sold, inter alia, among other products, asbestos containing brake shoes, linings, blocks and pads and other asbestos containing brake related automotive products.

18. Defendant Ford Motor Company is a Michigan based corporation with its main office located at the American Road, Dearborn, Michigan, 48121. At all times material hereto it or its predecessor(s) in interest manufactured and/or sold inter alia, among other products, asbestos containing brake shoes, linings, blocks and pads and other asbestos containing brake related automotive products.

19. Defendant General Motors Corporation is a Pennsylvania corporation with its registered agent at c/o CT Corporation System, 1515 Market Street, Philadelphia, PA 19103. At all times material hereto, it or its predecessor(s) in interest manufactured and/or sold, among other products, asbestos containing brakes, linings and motors for automotive installations.

20. Defendant American Standard Inc. is a Delaware Corporation with its principle place of business in New York and is doing

business in the Commonwealth of Pennsylvania. It is the successor in interest to Westinghouse Air Brake Co., which sold asbestos-containing products such as, but not limited to, gaskets, brake shoes and brake linings. American Standard, Inc. or its other predecessor, Ideal, sold asbestos containing boilers and cement to which plaintiff was exposed.

21. Defendant H.B. Smith Company, Inc., sued in its corporate capacity with its main office at 47 Westfield Industrial Park Road, Westfield, MA 01085. Defendant, H.B. Smith Company, Inc. manufactured, produced and sold, among other products, asbestos containing rope, wick, insulating cement, furnace cement, fill and millboard for use during installation of its boilers.

22. Defendant Weil McLain Company, A division of the Marley Company, a wholly owned subsidiary of United Dominion Industries, Inc., which is a corporation organized and existing under the laws of the State of Delaware with its principle place of business in Kansas which is doing business in the Commonwealth of Pennsylvania. At all times material hereto, Defendant Weil-McLain, manufactured, produced and sold, either directly or indirectly, in the geographical area in which the plaintiffs worked and/or to the employers of plaintiffs and/or to contractors on job sites on which plaintiffs worked, asbsestos

products.

23. Defendant, Cleaver-Brooks, Inc., is a Delaware corporation with a principle place of business located in Lebanon, Pennsylvania. At all times material hereto Cleaver-Brooks, Inc. sold boilers which were designed or intended to be insulated with asbestos. Because the boilers failed to contain adequate and sufficient warnings of the possible hazards of asbestos, they were defective and the conduct of the defendant in selling those products without such warnings was negligent. Since asbestos insulation on the boilers had to be removed, it was dangerous and warnings should have been given.

24. Defendant, Viacom, Inc. successor by merger to CBS Corporation, f/k/a Westinghouse Electric Corporation with its registered office at Gateway #6, 2nd Floor, 11 Stanwix Street, Pittsburgh, Pennsylvania 15222. Defendant Viacom, Inc. successor by merger to CBS Corporation f/k/a Westinghouse Electric Corporation manufactured various products, including but not limited to electrical products, gaskets, valves, packing, brakes, and machinery which either contained asbestos or required the installation of asbestos.

25. This Complaint alleges the claims of the following persons:

a. Plaintiff-Husband ("plaintiff"):

Name: Donald W. Nees, Sr.

Address: 208 Yale Avenue, Stratford, NJ 08084

Social Security No. 145-28-1027

Date of Birth: 01/10/37

b. Plaintiff- Spouse

Name: Evelyn R. Nees

Address: 208 Yale Avenue, Stratford, NJ 08084

26. The defendants are those companies listed in the caption of this complaint.

27. Plaintiff was employed by various employers at various locations and at each location was exposed to the asbestos products of the defendants herein.

28. At all times from 1960 to the present Plaintiff was a member of the Electricians Local Union 98.

29. The aforementioned Local 98 maintains its principle place of business, and operates a hiring hall, at 1719 Spring Garden Street, Philadelphia, Pennsylvania 19130-3906.

30. Plaintiff as a skilled building tradesman and member of Local 98 was assigned to job sites designated in the City of Philadelphia and surrounding counties.

31. At various times during his adult life, Plaintiff regularly performed automotive repairs, including brake work through which

plaintiff was exposed to the asbestos products of the defendants herein.

32. The air Plaintiff breathed was contaminated with asbestos dust and fibers shed by asbestos products sold, manufactured or distributed by the defendant corporations and each of them during the period 1960 to 1995 while he was employed by the various employers averred in paragraph 15 above.

33. Plaintiff first learned of the injury for which he is making his claim on or about June 30, 2000.

34. Plaintiff was first diagnosed as having an asbestos related injury on or about June 30, 2000.

35. Plaintiff currently is suffering from shortness of breath, asbestos pleural disease and other asbestos lung disease.

36. A claim for lost wages is not asserted at this time.

WHEREFORE, Plaintiffs demand judgment against all defendants named in this Complaint, and each of them, in an amount in excess of fifty thousand dollars (\$50,000.00) for compensatory damages and in excess of fifty thousand dollars (\$50,000.00) for punitive damages, plus costs, attorney's fees and such further relief as may be appropriate.

COUNT XI: Premises Liability

37. Plaintiffs repeat, reiterate and reallege each and every allegation contained in paragraphs "1 through 36" with the same force and effect as if hereinafter set forth at length.

38. Defendant Atlantic Richfield Company is a Delaware corporation which regularly conducts business in the County of Philadelphia and in the Commonwealth of Pennsylvania with its principle place of business at 515 South Flower Street, Los Angeles, California. Defendant Atlantic Richfield Company did business under the name Atlantic Refining Company. At all times material hereto, upon information and belief, defendant Atlantic Richfield Company did own fully or partially, lease, manage, work upon and/or control the oil refinery located in Philadelphia, Pennsylvania, known at all times material hereto as the Atlantic Refinery and subsequently ARCO Refinery.

39. Defendant Chevron U.S.A., Inc. d/b/a Chevron Products Company is a Pennsylvania corporation which regularly conducts business in the County of Philadelphia and in the Commonwealth of Pennsylvania with its principle place of business at 225 Bush Street, San Francisco, California. At all times material hereto, upon information and belief, defendant Chevron, U.S.A. Inc. did own fully or partially, lease, operate, manage, work upon and/or control the oil refinery located in Philadelphia, Pennsylvania,

known at times material hereto as Chevron Refinery. Chevron U.S.A., Inc. is the successor of Gulf Oil.

40. This count is brought by the Plaintiff solely against Defendants, Atlantic Richfield Company and Chevron, U.S.A. Inc. d/b/a Chevron Products Company (hereinafter referred to collectively as the "Premise Liability Defendants") and is brought in addition to the allegations contained in the Master Long Form complaint, which are incorporated herein by reference as though set forth in their complete text.

41. On numerous occasions and for substantial periods of time the Plaintiff was invited onto and lawfully entered upon property owned and controlled by the Premises Liability Defendants as a business invitee. The Plaintiff had been specifically requested to perform work and services for the benefit and aid of said Defendants on these occasions. At all such times, Plaintiff was employed by corporations other than the Premises Liability Defendants.

42. The Premise Liability Defendants, and each of them, owed a duty to the Plaintiff to use due care to maintain their property free of unreasonably dangerous and defective conditions and to adequately warn the Plaintiff of existing dangerous and defective conditions on the premises.

43. While upon property owned and controlled by the Premises Liability Defendants as a business invitee, Plaintiff was exposed to, and breathed dust shed by, large quantities of asbestos-containing products.

44. At all times complained of herein the Premises Liability Defendants knew or should have known large quantities of asbestos-containing products were present upon their premises.

45. At all times complained of herein the Premises Liability Defendants knew or should have known the asbestos-containing products released dangerous levels of airborne asbestos fibers during application, deterioration and removal.

46. At all times complained of herein the Premises Liability Defendants knew or should have known the plaintiff would necessarily work with, around, or in close proximity to these asbestos-containing products while they were being applied, removed or in the process of deteriorating and would inhale large quantities of asbestos fibers.

47. At all times complained of herein the Premises Liability Defendants knew or should have known the inhalation of asbestos fibers could cause pleural disease, asbestosis, lung carcinoma, malignant mesothelioma, carcinoma of the gastrointestinal tract, and other malignant and non-malignant diseases.

48. At all times complained of herein, the Premises Liability Defendants knew or should have known Plaintiff was unaware of the dangers associated with asbestos exposure, or the full magnitude of that danger, and therefore was not capable of taking adequate measures to protect himself.

49. At all times complained of herein the Premises Liability Defendants failed to otherwise exercise control as owners of their property in a manner calculated to maintain their premises free of asbestos, an unnecessarily dangerous and defective condition, and thereby protect the health of their business invitees.

50. At all times complained of herein the Premises Liability Defendants failed to remove and contain the asbestos materials so as to render the premises safe.

51. At all times complained of herein the Premises Liability Defendants failed to cease and discontinue further installation of asbestos-containing products on their premises.

52. The Premises Liability Defendants knew or should have known of the conditions set forth in paragraphs 37 through 53 and at all times complained of herein were in a superior position to that of the Plaintiff to know the dangers of asbestos. The Premises Liability Defendants were negligent in their failure to

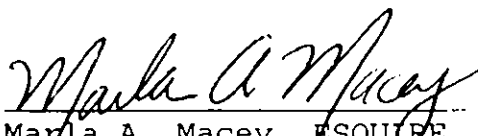
warn the Plaintiff and other persons similarly situated of the dangerous and defective condition of the premises brought by the presence of asbestos.

53. The actions or omission of the Premises Liability Defendants set forth in Paragraph 37 through 53 of this Complaint were the cause of or were a significant contributing factor in bringing about the physical injuries set forth in Paragraph 35 of this complaint and all damages suffered by the Plaintiff resulting from these physical injuries.

WHEREFORE, in addition to, or in the alternative to the relief requested in Counts I through X supra, Plaintiff demands judgment against Atlantic Richfield Company and Chevron, U.S.A. d/b/a Chevron Products jointly and severally as to themselves and each and every other defendant named in this Complaint in an amount of in excess of Fifty Thousand Dollars (\$50,000.00) for compensatory damages and Fifty Thousand Dollars (\$50,000.00) for

punitive damages, plus costs, attorney's fees and such further relief as may be appropriate.

LAW OFFICE OF PETER G. ANGELOS, P.C.

BY: 
Marla A. Macey, ESQUIRE
LAW OFFICES OF PETER G. ANGELOS, P.C.
The Wanamaker Building
100 Penn Square East
Suite 1050, Tenth Floor
Philadelphia, PA 19107
(215) 963-9333

I verify that the statements made in this Amended Complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Dated 2/14/02

x Dorothy W. Nees

x Evelyn Nees

LAW OFFICES OF PETER G. ANGELOS, P.C.

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Donald W. Nees, Sr. and Evelyn*

R. Nees, his wife *

319 New Brooklyn Road *

Berlin, NJ 08009 *

Plaintiff *

VS *

AC&S, Inc., et al *

Defendants *

IN THE COURT OF COMMON

PLEAS OF PHILADELPHIA

COUNTY, PENNSYLVANIA

OCTOBER TERM, 2000

NO. 3559

AMENDED COMPLAINT

PERSONAL INJURY

CIVIL ACTION

ASBESTOS - 2090

JURY TRIAL DEMANDED

This is to certify that this is a true and correct copy of
the foregoing Amended Complaint in the above captioned
case.

LAW OFFICES OF PETER G. ANGELOS, P.C.

BY:

Marla A Macey

Marla A. Macey, Esquire

Law Offices of Peter G. Angelos, P.C.

100 Penn Square East

Suite 1050, Tenth Floor

Philadelphia, PA 19107

(215) 963 9333

EXHIBIT "A"

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

IN RE: FEDERAL-MOGUL : Chapter 11
GLOBAL, INC., T&N : Case Nos. 01-10578, et al.¹
LIMITED, et al., :
 :
 :
 Debtors. :

**ORDER OF CLARIFICATION RE:
PROVISIONAL TRANSFER OF FRICTION PRODUCTS CLAIMS**

This matter having been opened upon the Court's own motion; and the Court having withdrawn the reference with respect to several motions to transfer and to provisionally transfer (the "Transfer Motions") claims pending in the several United States District Courts against defendant manufacturers of so-called "friction products" (respectively the "Friction Products Claims" and the "Friction Products Defendants") previously removed by the Friction Products Defendants from the several state courts; and for the reasons set forth in the letter opinion of the Court filed herewith; and for good cause shown

It is this day of January, 2002

ORDERED that this Order governs all Provisional Transfer Orders whether already issued by the Court or that may be issued in the future and those Orders shall not be construed in a manner inconsistent with the terms of this Order, and it is further

ORDERED that the Provisional Transfer Orders are limited in

¹See attached list.

effect to only those claims against the Friction Products Defendant(s) identified in the respective moving papers and Provisional Transfer Orders and that no other claims and no other parties are affected by the Provisional Transfer Orders, and it is further

ORDERED that any Friction Product Claim that would have been subject to a Provisional Transfer Order previously issued by this Court but for the fact that such Friction Product Claim had not yet been removed on the date the Provisional Transfer Order was issued is hereby provisionally transferred to this Court subject to further Order of this Court, and it is further

ORDERED that counsel identified in the Court's previous Provisional Transfer Orders shall provide to claimants provisionally transferred by this Order such notice and waivers of further service as was specified in the relevant previous Orders, and it is further

ORDERED that claimants provisionally transferred by this Order shall not be subject to the briefing schedule with respect to the Transfer Motion, and shall file no papers in opposition to the Transfer Motion except as provided by further Order of this Court.

/s/
ALFRED M. WOLIN, U.S.D.J.

IN RE: FEDERAL-MOGUL GLOBAL, INC.
Case Numbers

01-10578	01-10643	01-10700	01-10750
01-10580	01-10644	01-10701	01-10751
01-10582	01-10646	01-10702	01-10752
01-10585	01-10647	01-10703	01-10753
01-10586	01-10649	01-10704	01-10754
01-10587	01-10650	01-10705	01-10755
01-10589	01-10651	01-10706	01-10756
01-10591	01-10652	01-10707	01-10757
01-10593	01-10653	01-10708	01-10758
01-10594	01-10654	01-10710	01-10759
01-10596	01-10655	01-10711	01-10760
01-10598	01-10656	01-10712	01-10761
01-10599	01-10657	01-10713	01-10762
01-10600	01-10658	01-10714	01-10763
01-10601	01-10659	01-10715	01-10764
01-10603	01-10660	01-10716	01-10765
01-10604	01-10661	01-10717	01-10766
01-10605	01-10662	01-10718	01-10767
01-10606	01-10664	01-10719	01-10768
01-10608	01-10665	01-10721	01-10769
01-10610	01-10666	01-10722	01-10770
01-10611	01-10668	01-10723	01-10771
01-10613	01-10669	01-01724	01-10772
01-10614	01-10672	01-10726	01-10773
01-10615	01-10673	01-10727	01-10774
01-10617	01-10675	01-10728	
01-10618	01-10682	01-10729	
01-10619	01-10683	01-10730	
01-10620	01-10684	01-10731	
01-10621	01-10685	01-10732	
01-10622	01-10686	01-10733	
01-10623	01-10687	01-10734	
01-10625	01-10688	01-10736	
01-10626	01-10689	01-10737	
01-10627	01-10690	01-10739	
01-10629	01-10691	01-10741	
01-10630	01-10692	01-10742	
01-10632	01-10693	01-10743	
01-10633	01-10694	01-10744	
01-10634	01-10695	01-10745	

01-10637	01-10696	01-10746
01-10638	01-10697	01-10747
01-10640	01-10698	01-10748
01-10641	01-10699	01-10749

EXHIBIT "B"

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re: :
: CHAPTER 11
FEDERAL-MOGUL GLOBAL, INC., :
: BANKRUPTCY NO. 01-10587
Debtor. : (jointly administered)

ORDER 1) DENYING THE MOTIONS TO TRANSFER THE "FRICTION PRODUCTS CLAIMS" AND 2) REMANDING THE FRICTION PRODUCTS CLAIMS

This matter having been opened before the Court upon the several motions of parties, denominated in the prior Orders of the Court as the "Friction Products Defendants," to transfer to this District into the above-captioned proceedings the claims against the movants previously denominated "Friction Products Claims"; and the Court having previously granted this motion on a provisional basis and the Friction Products Claims having already been provisionally transferred to this Court subject to a plenary hearing on the motion to transfer; and the Court having previously given notice to the parties that it would consider arguments directed to subject matter jurisdiction, abstention and remand in ruling upon the movants' applications; and the Court having reviewed the submissions of counsel and heard oral argument; and for the reasons set forth on the record at the hearing on those motions today, as supplemented by a written Opinion to follow; and for good cause shown

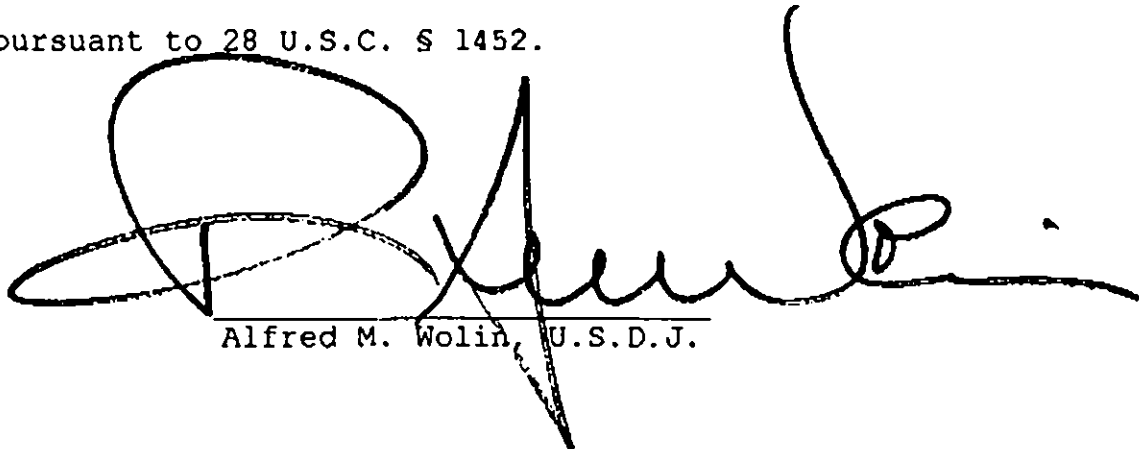
It is this 8th day of February 2002

ORDERED that the motions to transfer the Friction Products Claims are denied, and it is further

ORDERED that this Court lacks subject matter jurisdiction over the Friction Products Claims, and it is further

ORDERED that the Friction Products Claims are remanded to the state courts from which they were removed pursuant to 28 U.S.C. § 1447, and it is further

ORDERED that, in the alternative, the Friction Products Claims are remanded to the state courts from which they were removed pursuant to 28 U.S.C. § 1452.



Alfred M. Wolin, U.S.D.J.

EXHIBIT "C"

No. 02-1426

In Re: Federal-Mogul Global, Inc., et al.

Daimler Chrysler Corporation, Ford Motor
Company and General Motors Corporation,
Appellants

(DC No. 01-10578 (AMW))

Present: Scirica, Circuit Judge

1) Emergency Motion for Stay Pending Appeal by Appellants

ORDER

The forgoing Motion for stay is granted temporarily in order for the Court to receive responses to the motion from opposing counsel and for full consideration of the matter by a three judge panel. Appellees' shall file written responses to the motion for stay on or before 10:00 am, Friday, February 15, 2002.

For the Court,


Clerk

Dated: **FEB 11 2002**

DSC/cc: CL, EW, EI
RM, AR, PK
ME, TK, WW
RP, JSG

EXHIBIT "D"

Edward Finch - schedulingorder.pdf

IN THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

Nos. 02-1426, 02-1491, 02-1492, 02-1588, 02-1652, 02-1664, 02-1688 and 02-1741

IN RE: Federal-Mogul Global, Inc.

PRESENT: Becker, Chief Judge

ORDER

The following briefing schedule is hereby established in these consolidated appeals:

April 8, 2002: Appellants' joint opening brief on the merits of the district court's decision (14,000 words);

April 26, 2002: Appellees' joint response brief on the merits of the district court's decision and appellees' objections to appellate jurisdiction (21,000 words);

May 10, 2002: Appellants' joint reply brief on the merits of the district court's decision and response on appellate jurisdiction (21,000 words);

May 16, 2002: Appellees' joint reply brief on appellate jurisdiction (7,000 words).

It is expected that the various appellants and appellees will join in these joint briefs to the greatest extent practicable. However, an individual appellant or appellee may file a separate brief addressing discrete issues particular to that party, as long as those issues are not merely repetitive of the arguments advanced in the joint brief. Such separate briefs are due on the same date as the joint brief addressing the relevant issues. The foregoing word limitations are established for the joint briefs without prejudice to motions for extension of those limitations if necessary to respond to the separate submissions.

A brief will be considered timely filed if it is deposited with an express mail service on the due date for overnight delivery on the next business day. In addition, all briefs shall be served on all parties by e-mail by 5:00 p.m. Eastern time on the due date. A list of e-mail addresses is attached to this order.

Edward Finch - schedulingorder.pdf

Oral argument will be held on June 17, 2002. The time will be fixed by the panel. The allocation of oral argument time will be as follows:

Appellants' opening argument: 1 hour

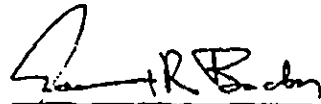
Appellees' argument: 1 hour, 20 minutes

Appellants' rebuttal: 20 minutes

The parties will determine an appropriate allocation of argument time for various counsel within these aggregate allotted times.

The temporary stay entered by this Court on February 11, 2002, as clarified by the order of March 19, 2002, will remain in effect until further order of the merits panel.

By the Court,



Chief Judge

Date: MAR 25 2002

nm/ce: All counsel proceed

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